

REMARKS

Claims 1-29 are pending. Claims 26-29 were indicated as allowed. Claims 1-2, 4, 8-11, 13-18, 20-23, and 25 stand rejected. Claims 3, 5-7, 12, 19, and 24 were objected to by the Examiner.

Rejection Over Choi in view of Reytblatt

The Examiner rejected claims 1-2 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 6,538,754 to Choi (“Choi”) in view of U.S. Patent No. 4,286,843 to Reytblatt (“Reytblatt”). Applicant respectfully traverses this rejection, as Choi cannot serve as a prior art reference under 35 U.S.C. § 103(a) with respect to the present application.

Under 35 U.S.C. § 119, Applicant receives the benefit of the Japanese filing priority date of December 14, 2000. However, for use in support of a rejection under 35 U.S.C. §§ 102(e), 103(a), and the like, Choi only receives the priority date of its U.S. filing date of April 12, 2001. In re Hilmer, 359 F.2d 859, 149 U.S.P.Q. 480 (C.C.P.A. 1966); MPEP §§ 706.02(a), 706.02(f), and 2136.03. As a result, because Applicant’s earliest effective priority date is prior to that of Choi, Choi cannot serve as the basis for a rejection under 35 U.S.C. § 103(a). Applicant, therefore, respectfully requests that the rejection of Applicant’s claimed invention under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Reytblatt be withdrawn.

Rejection Over Choi in view of Ishiwata

The Examiner rejected claims 4, 8-11, 13, 19-23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of U.S. Patent No. 6,369,375 to Ishiwata (“Ishiwata”). As stated above, Choi cannot serve as a prior art reference under 35 U.S.C. § 103(a). For the same reasons asserted with respect to the rejection over Choi in view of Reytblatt, Applicant

respectfully traverses this rejection. Applicant, therefore, respectfully requests that the rejection of Applicant's claimed invention under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Ishiwata be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew T. Macari", with a long horizontal flourish extending to the right.

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